

City of Alexandria, Virginia

## **Phase II Revision of Noise Ordinance Public Meeting, October 28, 2021**

### **AGENDA**

1. Welcome and housekeeping items – Jessica Lassetter (Meeting Moderator, T&ES)
2. Introductory Remarks – Bill Skrabak, T&ES
3. Presentation – Khoa Tran, T&ES
4. Public Comments & Questions



# Presentation Outline



- Common noise sources, how noise is regulated and current enforcement practices
- Background information and current status
- Policy options for public input – Feedback form
- Feedback form results
- Timeline and next steps
- Questions

# Common Noise Sources

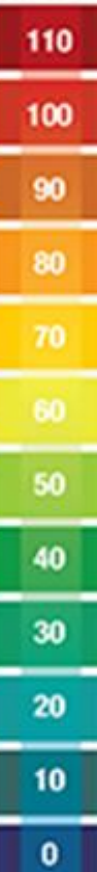


## COMPARATIVE NOISE LEVELS (DBA)

### COMMON OUTDOOR SOUND LEVELS



### NOISE LEVEL dB(A)



### COMMON INDOOR SOUND LEVELS



# How is Noise Currently Regulated in Alexandria?



- **Regulated by Permitted Hours**
  - **Construction:** Monday - Friday: 7 a.m. – 6 p.m.; Saturday: 9 a.m. – 6 p.m. Pile driving – 9 am to 6 pm weekdays and 10 am to 4 pm Saturdays
  - **Trash collection:** Oct - Apr: 7 a.m. – 11 p.m.; May - Sept: 6 a.m. – 11 p.m.
  - **Power lawn equipment:** Monday - Friday: 7 a.m. – 9 p.m.; Saturday/Sunday: 9 a.m. – 9 p.m.
- **Decibel Limits by Property Use Noise Limit and predominant Use**
  - Residential - 55 dB(A), commercial/institutional - 60 dB(A), industrial - 70 dB(A) at property lines
- **Exemptions**
  - Safety signals, warning devices, emergency pressure relief valves, aircraft, trains, emergency public work, etc.
- **Issuance of Noise Variance Permits**
  - Temporary construction activities, special events, events in parks and other public places, etc.

# Current Enforcement Practices



- **Business Hours (8 a.m. to 6 p.m.)**
  - T&ES/OEQ is first responder to noise complaints; handles ~200-400 complaints annually
- **Non-Business hours (6 p.m. to 8 a.m.)**
  - APD provides initial response to about 2,000 complaints annually
- **Animal Control handles noise from animals**

# Two-Phase Noise Ordinance Revision – Current Status



## **Two-phase approach to noise ordinance revision**

- Council approved the two-phase revision in April 2021

## **Phase I Revision adopted by Council on May 15, 2021**

- Incorporating all legally necessitated changes

## **Phase II Revision is ongoing and requires public input**

- Considers 10 policy options associated with land use, noise levels and changes in demography and noise control resources

# Phase II Revision Objectives



- To make the noise ordinance equitable, easy to understand and enforceable
- To promote more vibrancy in commercial corridors and safeguard the quietness and quality of life in residential areas

# Feedback Form Results – Top Noise Issues (Q.4)



- Construction site noise – 32.0%
- Powered lawn equipment – 31.5%
- Train & metro horns -20.6%
- Construction noise from neighbors – 20.1%
- Loud music/other noise from neighbors – 17.8%
- Barking dogs and other animal noises – 17.8%
- Car & motorcycle noises relating to speeding, muffler modifications or drag racing – 16.7%



# Policy Option #1 – Remove Predominant Use Standard?



- Should the City remove the 'predominant use' standard and apply decibel standard based on the property use of the noise source
  - Predominant use is defined as the majority of property uses of the same type around the 200 feet perimeter of the noise source
- The intent is to make it more equitable and easier to understand and enforce by all
- Community feedback: Yes (66.2%), No (33.8%), 359 total responses

# Policy Option #2: Do-It-Yourself (DIY) Construction



- Should the City regulate the DIY construction activities and limit these to the following permitted hours?
  - Monday – Friday: 7 a.m. to 9 p.m.
  - Weekends and Holidays: 9 a.m. to 9 p.m.
- The intent is to regulate and establish permitted hours that are the same as lawn and gardening equipment
- Community feedback: Yes (79.6%), No (20.4%), 333 responses

# Policy Options - Residential Use



- **Option #3** - Should the City adopt new changes to the noise ordinance to better enforce neighbor-to-neighbor noise in multi-familial buildings or leave the enforcement to condominium HOAs and/or building/property management?
- The intent is to improve enforcement since it is extremely difficult and resource-intensive for the City to enforce the noise code in multi-familial buildings
- Community feedback: Yes (59%), No (41%), 307 responses

# Policy Options - Residential Use



- **Option #4** - Should the City adopt the “plainly audible” standard for night-time (11 p.m. to 7 a.m.) residential property use?
- The intent is to apply this provision only to noise from one residence to another and allow enforcement officer to determine violations without the use of a noise meter
- Community feedback: Yes (81.1%), No (18.9%), 339 responses

# Policy Options - Commercial Use



- **Option #5** - Should the City consider increasing daytime (7 a.m. to 11 p.m.) decibel standard for commercial use from 60 to 65 decibels while keeping the nighttime (11 p.m. to 7 a.m.) standard at 60 decibels?
- The intent is to allow for more vibrancy in commercial areas during daytime but preserve the present noise limits during nighttime (11 pm to 7 am)
- Community feedback: Yes (58.9%), No (41.1%), 321 responses

# Policy Options - Commercial Use



- **Option #6** - Should the City allow Special Use Permit noise conditions to be less restrictive than the noise ordinance?
- Currently, all SUPs have to comply with the noise ordinance as a minimum, plus specific conditions aimed at minimizing the chances of noise violations
- The intent is that it would be rarely used – an example is a restaurant located in an industrial area would be permitted to have higher decibel standards or an outdoor band
- Community feedback: Yes (26.1%), No (73.9%), 322 responses

# Policy Options - Commercial Use



- **Option #7** - Should the City adopt provision that does not allow loading, unloading and delivery activities between 11 p.m. and 7 a.m. if activities are within 500 feet of residential areas?
- The intent is every business has to comply with this provision if adopted going forward since Some SUPs currently do not have this condition
- Community feedback: Yes (78%), No (22%), 327 responses

# Policy Options - Enforcement



- **Option #8** - Should the City expand the “Noise in public places - Central Business District” provision to the entire City?
  - Central Business District is established as the area between Prince and Queen Streets and between the Potomac River to S. Peyton, Harvard and N. West Streets.
- The intent is to regulate noise in public spaces and right of ways everywhere in the City and not just in the Central Business District
- Community feedback: Yes (59.3%), No (40.7%), 307 responses



# Policy Options - Enforcement



- **Option #9** - Should the City remove the decibel limit at property lines of 75 dB(A) for power lawn equipment and only control its use by permitted hours?
  - Weekdays: 7 a.m. to 9 p.m.
  - Weekends and holidays: 9 a.m. to 9 p.m.
- 75 dB(A) is not realistic since all power lawn equipment easily exceeds this limit
- Unenforceable since people would stop using it during investigation
- City is seeking legislative authority to regulate leaf blowers
- Community feedback: Yes (41.1%), No (58.9%), 316 responses

# Policy Options - Enforcement



- **Option #10** - In the absence of criminal penalty resulting from recent City Council decision, should the City increase the civil penalty for violating the noise ordinance from the present \$50 for first violation, \$100 for second violation and \$500 for third violation?
- Possible increases in penalties are \$100 for first violation, \$250 for second, and \$500 for a third violation
- Community feedback: Yes (73.2%), No (26.8%), 332 responses

# Q16 - Other Issues for the City to Consider in Revised Ordinance



- Train horns – Limit the duration and volume
- Gas powered leaf blowers – ban its use or limit permitted time
- Car noises
- More effective after-hour enforcement
- SUP noise conditions – pros and cons
- Reduce daytime from 7 am to 11 pm to 7 am to 9 pm.

# Phase II Revision – Timeline & Next Steps



**November 9:** Council work session to discuss policy options and receive council guidance

**December 14 & 18:** Introduction of revised noise ordinance (December 14) and Council public hearing and consideration of revised noise ordinance (December 18)

# Thank You for Your Participation



- Please email me at [khoadinh.tran@alexandriava.gov](mailto:khoadinh.tran@alexandriava.gov) if you have any questions
- For more information, please visit the noise control webpage at [alexandriava.gov/Noise](http://alexandriava.gov/Noise)